

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
INITIAL STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-publication of Notice Statement)

Amend Sections 251.7, 257, 300, and 600  
Title 14, California Code of Regulations

Re: Possession of Game Birds, Resident Small Game Defined, Seasons and Bag Limits for Upland Game Birds, and Regulations for Licensed Game Bird Clubs

I. Date of Initial Statement of Reasons: March 28, 2007

II. Dates and Locations of Scheduled Hearings:

(a) Notice Hearing: Date: May 4, 2007  
Location: San Diego, CA

(b) Discussion Hearing: Date: June 8, 2007  
Location: Truckee, CA

(c) Adoption Hearing: Date: July 13, 2007  
Location: Bridgeport, CA

III. Description of Regulatory Action:

(a) Statement of Specific Purpose of Regulation Change and Factual Basis for Determining that Regulation Change is Reasonably Necessary:

1. Possession, Transportation, and Importation of Game Birds

Current regulations do not require resident game birds, once killed, to be kept in a condition where the species can be identified. Most migratory game birds are required to have a fully feathered wing or head attached while in the field or being transported. Regulations require that pheasants be kept in a condition where sex can be determined. In some locations, hunting seasons for quail are different than the hunting seasons for different species in the same area. Unless there is a requirement to maintain a way of readily identifying the carcass of a game bird in the field, enforcement of species specific regulations is difficult. This proposal would change subsection 251.7(b) to require that a head or feathered wing be retained on all game birds while they are being transported.

2. Resident Small Game Defined (addition of Eurasian collared-doves)

Current wording of Section 257 does not list Eurasian collared-doves as a resident small game species. This dove has become established in much of the U.S., including southern California, and is considered by some to be an invasive species, since its range and population are expanding rapidly. Because it is not specifically listed as a resident game species in Section 257, it is considered a non-game species and may not be taken. Chinese spotted doves and ringed turtle-doves are listed in Section 257 as small game species. This proposal would add Eurasian collared-doves to Section 257, which would eliminate the unnecessary protection of them while providing additional opportunity for hunters. The proposal also makes minor adjustments in the spelling of "ringed turtle-doves", "red-legged partridges", and Gambel's quail to comply with currently accepted spelling.

3. Seasons and Bag Limits for Upland Game Birds

a. Designation of quail hunting zones – clarification of language

Wording in existing regulations [subsections 300(a)(1)(B)(1., 300(a)(1)(B)3. and

300(a)(2)(B)1.] designates quail hunting zones as “Zone A”, “Zone B” and “Zone C”. These designations occasionally have been confused with deer hunting zones with the same designation, when hunters are looking only at regulation summaries, rather than at the complete regulation booklets that contain maps of these zones. This proposal would re-designate the quail hunt zones as “Q1”, “Q2”, and “Q3”.

b. Sage Grouse Hunting Permits

Existing regulations [subsection 300(a)(1)(D)4.] allow 125 two-bird permits for the East Lassen Zone, 50 two-bird permits for the Central Lassen Zone, 20 one-bird permits for the North Mono Zone, and 35 one-bird permits for the South Mono Zone. Under the current regulatory cycle, the Fish and Game Commission notice hearing date for sage grouse regulation changes occurs in May. However, the final sage grouse population survey results are not available until after the date that the Department must submit proposed regulation changes to the Commission. The Department is proposing a range of maximum and minimum hunting permit numbers to the Commission, with the provision that the actual number of permits recommended for each hunt will be based on strutting ground counts conducted in April.

To allow the Department to recommend appropriate hunting permit quotas which reflect the results of population surveys, ranges of permit quotas are proposed at this preliminary stage of the regulation review process. The proposed ranges are 10 to 375 permits for the East Lassen Zone, 10 to 175 permits for the Central Lassen Zone, 10 to 100 permits for the North Mono Zone, and 10 to 100 permits for the South Mono Zone.

c. Bag Limit on Turkeys, Sage Grouse, and Ptarmigan – clarification of language

Existing wording in regulations regarding the season bag limit on turkeys during the spring hunting season [subsections 300(a)(1)(G)2. and 300(a)(2)(G)2.] might be construed to mean that hunters could take more than three bearded turkeys, when also hunting during the extended archery season. Proposed wording would clarify that the limit is three per season, including both the general and archery season. Slight changes in wording also are proposed to clarify season limits for sage grouse and ptarmigan.

d. Youth Hunting Season for Turkeys

This proposal is to add a youth spring hunting season for turkeys. Under this proposal, hunters with junior hunting licenses would be allowed to hunt with any method authorized for the taking of turkey during the extended archery season for turkeys. The Department believes that, since only bearded turkeys (the vast majority of which are males) would be legal to take during this season, turkey populations would not be adversely affected. Under current regulations, roughly ten percent of the estimated turkey population statewide is taken by hunters annually. The proposed youth hunting season is not expected to add substantially to the annual harvest.

e. Length of Late Dove Season – clarification of language

The federal framework for the hunting season for white-winged and mourning doves allows a total of 60 days for California. The early dove season is 15 days long. The proposed minor change in wording in subsection 300(b)(1)(B)1. would clarify that the late dove season is 45 days long.

f. Season and Bag Limit for Doves – addition of Eurasian collared-doves

The proposed change would include Eurasian collared-doves in the bag and possession limits for mourning, white-winged, spotted, and ringed turtle doves

[subsections 300(b)(1)(B)1. and 2.].

g. A change is proposed to correct the 2001 printing error which inadvertently changed the closing date of the General Quail Season [subsection 300(a)(1)(B)1.a.].

#### 4. Licensed Game Bird Clubs – Shooting Hours

Shooting hours for taking domestically reared game birds on licensed game bird clubs are from one-half hour before sunrise to one-half hour after sunset [subsection 600(a)(11)(A)]. This has caused confusion for hunters and some difficulty for Department Enforcement personnel, since shooting hours for waterfowl and most other upland game birds end at sunset. Also, shooting hours for pheasants begin at 8:00, not one-half hour before sunrise. This proposal is to change this section to make shooting hours for domestically reared game birds on licensed game bird clubs consistent with shooting hours for upland game birds in general.

In addition, minor editorial changes are proposed for clarity and consistency.

(b) Authority and Reference Sections from Fish and Game Code for Regulation:

Authority: Sections 200, 202, 203, 203.1, 355, 3000, and 3270, Fish and Game Code.

Reference: Sections 200, 202, 203, 203.1, 207, 215, 220, 355, 356, 3000, 3270, 3500, 3800, 3950 and 4304, Fish and Game Code.

(c) Specific Technology or Equipment Required by Regulatory Change:

None.

(d) Identification of Reports or Documents Supporting Regulation Change:

None.

(e) Public Discussions of Proposed Regulations Prior to Notice Publication:

No public discussions were held prior to the Notice publication. There will be adequate time to review this proposal during the comment period contained in the Commission's regulatory process.

#### IV. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulation Change:

1. Season and Bag Limit for Doves – addition of Eurasian collared-doves

A feasible alternative to the Department's proposal to include Eurasian collared-doves in the existing dove season and bag and possession limits would be to include them in the existing dove season, but to allow an unlimited number to be taken. This is the approach that has been taken by some other states. An advantage of this alternative is that it would provide additional hunter opportunity. A disadvantage is that it would slightly complicate dove hunting regulations, and might make enforcement more difficult.

2. Youth Hunting Season for Turkeys

A feasible alternative to the Department's proposal to provide a youth hunting season for turkeys (using all legal methods of take) during the same two-week period as the current extended archery season, would be to provide a youth hunting season during the weekend prior to the opening of the general spring turkey season. A possible advantage to young hunters might be that the birds would not have been hunted yet that season, and thus might be less wary. A disadvantage might be that this alternative may

generate a negative reaction among other hunters, who feel that the earlier season would reduce their own hunting success.

(b) No Change Alternative:

The no change alternative was considered and found to be inadequate because of the following:

- Difficulties would continue with enforcement of game bird regulations due to inability to identify bird carcasses in the field.
- Opportunities would not be provided for hunters to take Eurasian collared-doves.
- Conflicting shooting hours on Licensed Game Bird Clubs versus surrounding areas would continue.
- Opportunities would not be increased for additional turkey hunting for young hunters.
- Existing sage grouse hunting permit numbers may be inappropriate relative to populations.
- Confusion would continue regarding minor errors or conflicts in upland game bird hunting regulations.

(c) Consideration of Alternatives:

In view of the information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

V. Mitigation Measures Required by Regulatory Action:

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

VI. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulation change is sufficiently minor that there would be no significant impact to businesses.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California:

None.

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4:

None.

- (h) Effect on Housing Costs:

None.

## Informative Digest/Policy Statement Overview

### 1. Possession, Transportation, and Importation of Game Birds

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In addition, this proposal would add Eurasian-collared doves to subsection 300(b), and include them in the existing season and bag limit for doves.

### 3. Sage Grouse Hunting Permits

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7. Minor editorial changes are proposed for clarity and consistency.